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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/602,344 | 06/24/2003 | Daniel D. Carlson | TRW (FAS) 6279 | 1988 |

7590 06/29/2005

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.
1111 LEADER BLDG.
526 SUPERIOR AVENUE
CLEVELAND, OH 44114-1400

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| EXAMINER |
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KRISHNAMURTHY, RAMESH

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| ART UNIT | PAPER NUMBER |
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3753

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,344

Applicant(s)

CARLSON, DANIEL D.

Examiner

Ramesh Krishnamurthy

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 and 9 - 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 and 9 - 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This office action is responsive to amendment filed 04/12/2005.

Claims 1 – 7 and 9 - 12 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 7 and 9 - 12 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 915 302 A2.

The document EP 0 915 302 A2 discloses (Fig. 3, for example) a pressure relief valve for venting air from a first side of said valve to a second side of said valve and for blocking flow of air from the second side of said valve to the first side of said valve, said valve comprising: housing (32) having a base portion defining an air flow passage; flap (38) positioned to overlie said flow passage, at least a portion of said flap being movable relative said base portion of said housing in response to an air pressure differential acting on opposite portions of said flap, said at least a portion of said flap being movable between an open condition for venting air from the first side of said valve to the second side of said valve and a closed condition blocking flow air from the second side of said valve to the first side of said valve; said flap having a plurality of mounting openings (Col. 4, lines 25 – 29); said housing having a plurality of generally T-shaped mounting posts (58) projecting from said base portion of said housing, said flap having portions adjacent said openings that cooperate with said mounting posts to provide a snap connection between said flap and said mounting posts to secure said

Art Unit: 3753

flap to said housing with said mounting posts extending through said openings; said mounting posts being the only structure holding said flap on said housing.

The flap (38) is disclosed to be made of flexible thermoplastic material which here is taken to include all known flexible thermoplastic material including Mylar. The flap (38) in its seated i.e. closed position rests against the flap engagement surface (50) on the housing (32). The recitations pertaining to the structure of the T-shaped mounting posts in claims 3, 7, 8 and 9 are inherent to the mounting posts (58) disclosed in the EP '302 document referenced above. As for the limitations recited in claims 4, 7 and 10, concerning the deformability of the material surrounding the openings in the flap, such features are inherent to the flap (38) in the EP'302 document since the holes in the flap (38) need to be inserted over the posts (58) so that in the installed position, the enlarged portion of the posts (58) serve to hold the flap (38) in place.

Regarding claims 5 and 11, it is noted that the document EP '302 discloses the posts (58) to be extending from the housing base portion (See Fig. 3) and since the posts (58) would naturally have thickness in the region where they project from the base it necessarily follows that the corresponding portion of the housing base portion would be recessed.

Response to Arguments

3. Applicant's arguments filed 04/12/2005 have been fully considered but they are not persuasive. Applicant is essentially arguing that EP '302 fails to teach or suggest a flap having portions adjacent mounting openings that cooperate with mounting posts of the housing to provide a snap connection between the flap and the mounting posts.

Art Unit: 3753

There is no snap connection between the flap and mounting posts in EP O 915 302 A2 and it teaches injection molding the studs through the holes in the flap. These arguments are not persuasive in that EP '302 teaches at Col. 4, lines 43 – 50 that the frame and the valves are molded separately. The studs are molded integrally with the frame. Since the studs have an enlarged head to hold the flap valve in position (Col. 4, lines 25 – 26), the connection between the flap and the studs i.e. the mounting posts is inherently a snap fit connection.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene L. Mancene, can be reached on (571) 272 – 4930. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 – 9306.

Art Unit: 3753

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Ramesh Krishnamurthy, Ph.D., PE
Primary Examiner
Art Unit 3753